REMARKS

Claims 29-39 are pending in this application. All pending claims stand rejected in view of prior art.

In ¶ 3 of the Final Rejection, claims 29-33, 35-37, 39, 40 and 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,920,317 to McDonald. As applied to cancelled claims 40 and 42, this ground of rejection is now moot. As applied to claims 29-33, 35-37, and 39, the Applicants traverse this ground of rejection for the following reasons.

In the first place, the Applicants object to the format of each claim rejection based on anticipation as being improper and insufficient. Instead of explaining what features McDonald teaches and then reading Applicants' claim language on those features to demonstrate anticipation, the Examiner has merely paraphrased Applicants' claim language and then cited to a lengthy extract in McDonald. The Examiner has failed to establish a one-to-one correspondence of elements in McDonald to elements in the recited claim. Thus, the Examiner has failed to state any basis for any of the anticipation rejections. It is improper to simply paraphrase Applicants' claim language and then cite to 20 or 50 lines of text without explanation. The Applicants request that the finality of the rejection be withdrawn and that a new action be issued that properly correlates features in McDonald to elements in Applicants' claims.

Turning to the individual rejections under Section 102(e), independent claim 29 recites a scanner comprising an operator interface, a display monitor, a scanning subsystem, a networking port and a computer programmed to perform steps (a) through (h). The Examiner finds each and every one of steps (a) through (h) in column 5 of the McDonald patent. The Applicants respectfully disagree.

The steps performed by the programmed computer recited in claim 29 involve the retrieval of a worklist from a remotely located worklist broker. The worklist broker searches a database in response to a "worklist search request message" sent by the scanner and then sends the search results to the scanner for display. The worklist may comprise a list of all patients to be examined on a particular day using that particular scanner. Portions of the worklist search results are then registered by the computer in response to input of a "patient selection command" via the operator interface (step (f) in claim 29). The latter step occurs after the step of displaying the worklist search results (step (e)). Thus the patient selection by the system user occurs after the search has been performed. The system user

In contrast, in the McDonald system the patient selection by the system user occurs when the search is requested. The search parameter is a hospital chart number, the patient's surname or some other identifier [col. 5, lines 12-14]. Thus, claim 29 does not read literally on the McDonald system and

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cannot be anticipated thereby.

With regard to the rejection of claim 31, the Examiner cites 55 lines in column 5, 47 lines in columns 9 and 10, and 62 lines in columns 11 and 12 as teaching a screen having fields that can be filled with "worklist display format instructions" that indicate what items in the worklist search results should be displayed. However, the Applicants can find no trace or hint of a discussion of "worklist display format instructions" in the 164 lines of text from the McDonald patent cited by the Examiner. The Applicants request that the Examiner cite the specific paragraph where the claimed "worklist display format instructions" can be found in McDonald. Based on the undersigned's reading of the McDonald patent, McDonald does not mention formatting of the search results anywhere. The complete absence of an element of Applicants' claim from the reference cannot be buried in citations to lengthy extracts that bear no relevance.

Everything set forth in the previous paragraph is equally true for the rejection of claim 32. Again the Examiner has merely paraphrased the language of claim 32 and cited to lengthy irrelevant sections of the McDonald patent. The fact of the matter is that McDonald does not concern himself with how the search results are to be displayed. He certainly does not disclose any feature whereby the system user can select which search results will be displayed and in what order they will appear on the display screen. In short, McDonald does not

disclose any capability for selective design of the display format for the search results.

The Applicants traverse the anticipation rejection of claim 36, which recites the same steps as are recited in claim 29, for the same reasons set forth above in traversal of the rejection of claim 29.
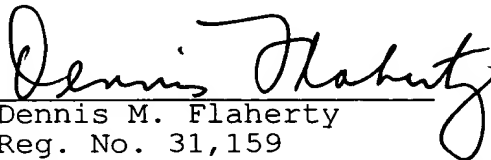
In ¶ 5 of the Office Action, claims 34, 38 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDonald in view of U.S. Patent No. 6,574,629 to Cooke. The Applicants traverse this ground of rejection. Since Cooke does not teach the claim elements in claim 29 that were missing from McDonald, claims 34 and 38 (claim 41 has been canceled) are patentable at least for the same reasons, set forth above, that claim 29 is not anticipated by McDonald. The Cooke patent disclosing an image archiving and communication system and contains no disclosure concerning retrieving a worklist and then selecting a patient from the retrieved worklist for attachment of patient information to each acquired image.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 29-39 are hereby requested.

Respectfully submitted,

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Date

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November 19, 2003
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